

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

OCT 03 2013

JAMES W. McCORMACK, CLERK  
By: Saw PLAINTIFF DEP. CLERK

MALIA STEWART

Vs.

CASE NO. 4:13 cv 579 SWW

HOOMAN KARAMIAN a/k/a

NIK RICHIE, and DIRTY WORLD ENTERTAINMENT  
RECORDINGS, LLC d/b/a THEDIRTY.COM

DEFENDANTS

**COMPLAINT**

Comes now Plaintiff, Malia Stewart, by and through her counsel, Lloyd W. "Tré" Kitchens, and for her Complaint state as follows:

This case assigned to District Judge Wright  
and to Magistrate Judge Young

**I. JURISDICTION**

1. Plaintiff is an individual resident of White County, Arkansas.
2. Defendant Dirty World Entertainment Recordings, LLC., d/b/a thedirty.com (hereinafter "the dirty"), at all times relevant, was a limited liability company incorporated in the State of California with its principal office in the State of California, and therefore is a citizen of the State of California.
3. Defendant Hooman Karamian, at all times relevant, is a citizen of the state of Arizona, Hooman Karamian a/k/a Nik Richie, (herinafter "Karamian") posted and maintained posts on the website thedirty.com.
4. This court has jurisdiction over these matters under 28 U.S.C. § 1332, as the amount in controversy exceeds \$75,000.
5. Defendant thedirty, and Defendant Karamian, at all times relevant, did broadcast information to persons in Arkansas, did transact business and had sufficient minimum contacts in

Arkansas, and a substantial part of the events or omissions giving rise to the claim occurred in Arkansas, and therefore this court is the proper venue for this action under 28 U.S.C. § 1391.

## II. BACKGROUND

6. Plaintiff incorporates by reference each and every allegation contained within the paragraphs above, and further states:

7. The Defendants published an online article about the Plaintiff on or about September 6, 2013.

8. The article read:

**THE DIRTY ARMY:** nik this is Malia Mckay Stewart she lives in Searcy and she is a sloot. Her current husband got him a fake ass girl. Her body has been altered to have the look it does. She has children with different guys just to collect the child support. She lays on her back to get what she wants and some how all succeeds at it. She will split from her husband just to see if the guy in her target can give her more materialistic item. She acts like a star mom on Facebook but then throws her kids on someone else so she can go and find her next greg. She is like a fair she gives everyone a ride married, divorced, single she doesn't care she will do then all to gain something new. As her picture shows she likes the balls young and old.

**I'm surprised someone of her age is still capable of such things.- nik**

9. This article is still available on the Internet at <http://thedirty.com/2013/09/drains-your-bank-and-your-tool/#comments>.

10. The Plaintiff is a married stay at home mother with minor children and these slanderous and defamatory comments are publically accessible.

11. The Plaintiff's family and friends are aware of this article.

12. The Plaintiff is embarrassed and humiliated because of this publication.

13. The post also includes a comments section where viewers can post responses to the post.

14. Comments include further defamatory and slanderous comments about the Plaintiff.

15. The Plaintiff communicated to the Defendants by email and asked them to remove the posts from their site. *See attached* Exhibit #1.

16. The posts were not removed.

17. Under thedirty.com's "Terms of Use" section the Defendants assert:

3. By submitting photos, videos and statements to thedirty.com you agree to express consent to publish and release liability from our officers, employees, vendors, contractors, subcontractors, suppliers agents and affiliates. Comments or any other material which is false, defamatory, or otherwise unlawful is not allowed. Upon submission you will have irrevocably agreed to these terms. All submissions will remain confidential.

<http://thedirty.com/terms-of-use/>

18. By allowing the post about the Plaintiff to remain, the Defendants are violating their own Terms of Use.

### **III. COUNT I – DEFAMATION**

19. Plaintiff incorporates by reference each and every allegation made in the above numbered paragraphs and further states:

20. Defendants have intentionally and maliciously used language tending to harm the reputation of Plaintiff so as to lower Plaintiff in the estimation of the community.

21. Plaintiff was specifically identified in the defamatory matter promulgated by the Defendants.

22. The defamatory language was published in that Defendants intentionally or negligently communicated such defamatory language to third parties not the Plaintiff.

23. As a direct and proximate result of Defendants' defamation of Plaintiff, Plaintiff has suffered an injury to reputation, and since the defamatory statements of the Defendants were

intentional, with malice or with reckless disregard as to whether they were false or not, the Plaintiff is entitled to punitive damages in addition to the damages suffered.

**IV. COUNT II - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS / OUTRAGE**

24. Plaintiff incorporates by reference each and every allegation made in the above numbered paragraphs and further states:

25. Defendants action in publicizing this story was either intended by Defendants to cause emotional distress to the Plaintiff or were such that Defendants should have known they would cause such emotional distress, and clearly exceeded the bounds of common decency as would be observed in any civilized community.

26. Defendants conduct toward Plaintiff was willful, wanton and malicious, and was carried out both with a flagrant indifference to the rights of the Plaintiffs and with a subjective awareness that such conduct would result in harm, for which Defendants are answerable in punitive damages.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment against the Defendants on each cause of action together with the costs and disbursements of this action. Plaintiffs request:

1. Compensatory damages to be determined by a jury and in excess of \$75,000.00;
2. Punitive damages to be determined by a jury and in excess of \$75,000.00;
3. All fees and costs associated with the disbursement of this action;
4. Attorney fees; and
5. Any other relief the Court deems fitting and proper.

**PLAINTIFF PRAYS FOR A JURY TRIAL.**

Respectfully submitted,

***THE BRAD HENDRICKS LAW FIRM***

500 C Pleasant Valley Drive

Little Rock, Arkansas 72227

Telephone: (501) 221-0444

Facsimile: (501) 661-0196

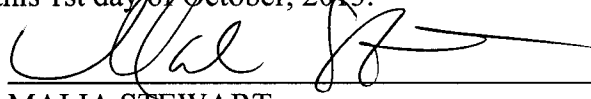
tkitchens@bradhendricks.com

By: 

LLOYD W. "TRÉ" KITCHENS, ABN 99075

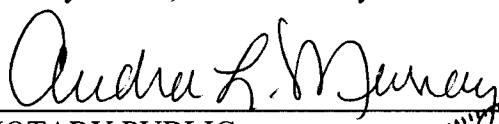
**VERIFICATION**

I have read the above and foregoing and it is true and correct to the best of my knowledge and belief. Wherein I set my hand and seal this 1st day of October, 2013.

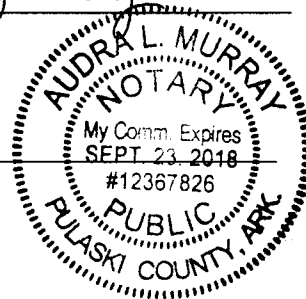
  
MALIA STEWART

STATE OF ARKANSAS     )  
                                      )ss  
COUNTY OF PULASKI    )

Sworn to and subscribed before me, a Notary Public, on this 1st day of October, 2013.

  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



**Audra Murray**

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**From:** Tre Kitchens  
**Sent:** Tuesday, September 17, 2013 4:29 PM  
**To:** Audra Murray  
**Subject:** FW: Courtesy Removal Request :: [thedirty.com/2013/09/drains-your-bank-and-your-tool](http://thedirty.com/2013/09/drains-your-bank-and-your-tool)

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**From:** Malia [<mailto:maliajmckay@yahoo.com>]  
**Sent:** Thursday, September 12, 2013 3:03 PM  
**To:** Tre Kitchens  
**Subject:** Fwd: Courtesy Removal Request :: [thedirty.com/2013/09/drains-your-bank-and-your-tool](http://thedirty.com/2013/09/drains-your-bank-and-your-tool)

Tre this is an email I received from Nik Richie responding to my request of removing my post.

Thanks,  
Malia Stewart

Sent from my iPhone

Begin forwarded message:

**From:** <[nik@nikrichie.com](mailto:nik@nikrichie.com)>  
**Date:** September 11, 2013, 1:54:55 PM CDT  
**To:** "JotForm" <[maliajmckay@yahoo.com](mailto:maliajmckay@yahoo.com)>  
**Subject:** RE: Courtesy Removal Request :: [thedirty.com/2013/09/drains-your-bank-and-your-tool](http://thedirty.com/2013/09/drains-your-bank-and-your-tool)

At this time we are NO longer removing third party submissions from [TheDirty.com](http://TheDirty.com). Stay clean!

----- Original Message -----  
Subject: Courtesy Removal Request ::  
[thedirty.com/2013/09/drains-your-bank-and-your-tool](http://thedirty.com/2013/09/drains-your-bank-and-your-tool)  
From: JotForm <[maliajmckay@yahoo.com](mailto:maliajmckay@yahoo.com)>  
Date: Mon, September 09, 2013 7:46 pm  
To: [nik@nikrichie.com](mailto:nik@nikrichie.com)

